

Senate File 339 - Introduced

SENATE FILE 339

BY DICKEY

A BILL FOR

1 An Act relating to damages owed by a party at fault in crashes
2 and collisions involving commercial motor vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.274 Crashes and collisions
2 involving commercial motor vehicles — damages.

3 1. a. The party responsible who is at fault and causes
4 damage to a commercial motor vehicle in a crash or collision
5 shall, if the person is not the owner or operator of the
6 damaged commercial motor vehicle, and if requested by such
7 owner or operator, arrange for and pay the costs associated
8 with the provision of a like replacement commercial motor
9 vehicle to be delivered to the owner or operator of the damaged
10 commercial motor vehicle without unnecessary delay. The like
11 replacement commercial motor vehicle shall be provided by the
12 party responsible until the required repairs to the damaged
13 commercial motor vehicle are completed and the vehicle is ready
14 to be fully put back into service.

15 b. The party responsible who fails to comply with paragraph
16 "a" shall reimburse the owner or operator of the damaged
17 commercial motor vehicle for the costs incurred by the owner or
18 operator to obtain a like replacement commercial motor vehicle,
19 including but not limited to rental charges, to use until the
20 required repairs to the damaged commercial motor vehicle are
21 completed or the damaged commercial motor vehicle is placed
22 back into service by the owner or operator, whichever occurs
23 first.

24 2. The party responsible who is at fault and causes damage
25 to a commercial motor vehicle in a crash or collision shall,
26 if the party responsible is not the owner or operator of the
27 damaged commercial motor vehicle, compensate the owner or
28 operator of the damaged commercial motor vehicle for each day
29 the owner or operator is unable to operate the commercial
30 motor vehicle, or a like replacement vehicle provided by the
31 person at fault, as a result of the crash or collision. The
32 compensation shall be equal to the average of revenue the owner
33 or operator received for each day the commercial motor vehicle
34 was in service based on the previous thirty in-service days
35 prior to the crash or collision.

1 3. The owner or operator of a damaged commercial motor
2 vehicle may waive the requirements of subsection 1. If so
3 waived, the person party responsible who is at fault shall
4 comply with subsection 2.

5 4. Notwithstanding section 668.3, subsection 1, the
6 recovery under this section of an owner or operator of a
7 damaged commercial motor vehicle shall not be diminished due to
8 the contributory fault of the owner or operator.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to damages owed by a party at fault in
13 crashes and collisions involving commercial motor vehicles
14 (CMVs).

15 The bill requires a party responsible who is at fault in a
16 crash or collision involving a CMV to arrange for and pay the
17 costs associated with the provision of a like replacement CMV
18 to be delivered to the owner or operator of the damaged CMV,
19 if requested by such owner or operator, without unnecessary
20 delay. The like replacement CMV must be provided by the person
21 at fault until the required repairs to the damaged CMV are
22 completed or the damaged CMV is ready to be fully put back into
23 service, whichever occurs first. A party responsible who fails
24 to arrange and provide a like replacement CMV must reimburse
25 the owner or operator of the damaged CMV for the costs incurred
26 by the owner or operator to obtain a like replacement CMV,
27 including but not limited to rental charges, to use until
28 the required repairs to the damaged CMV are completed or
29 the damaged CMV is placed back into service by the owner or
30 operator, whichever occurs first.

31 The bill requires a party responsible who is at fault and
32 causes damage to a CMV in a crash or collision to compensate
33 the owner or operator of the damaged CMV for each day the owner
34 or operator is unable to operate the CMV, or a like replacement
35 CMV provided by the person at fault, as a result of the crash or

1 collision. The compensation must equal the average of revenue
2 the owner or operator received for each day the CMV was in
3 service based on the previous 30 in-service days.

4 The bill authorizes the owner or operator of a damaged CMV to
5 waive the provisions requiring a party responsible to provide a
6 like replacement CMV. If so waived, the party responsible who
7 is at fault is not required to provide a like replacement CMV
8 but must compensate the owner or operator of the damaged CMV as
9 required under the bill.

10 Under current law, any damages for fault resulting in injury
11 to property must be diminished in proportion to the amount of
12 fault attributable to the claimant. Such comparative fault
13 considerations do not apply to the bill.